

### REMARKS

In the Office Action of April 22, 2004, claims 1-10, 13, 14, 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,273,887 to Yamauchi et al. in view of U.S. Patent Publication No. 2002/0183738 to Chee et al. Additionally, claims 11, 12, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. and Chee et al. further in view of U.S. Patent No. 5,680,860 to Imran. In the above application, claims 1, 5, 10 and 14 are independent claims and each of the remaining claims depend from one of these independent claims.

All pending claims, claims 1-18, are respectfully believed to be allowable because the alleged combination is not properly considered prior art to this application. In the Office Action, the Yamauchi patent is relied upon for teaching all the limitations of the claims except for an EKG sensor. The Chee publication is relied upon in combination with the Yamauchi patent for supplying the missing teaching or suggestion of an EKG sensor. However, it is respectfully submitted that the combination which is relied upon is not properly considered prior art to the claimed invention.

In the Chee publication, the only disclosure which is comparable to the disclosure in Yamauchi is the disclosure

provided in Figs. 33-45. Based on a review of the file history for the Chee publication, the disclosure for Figs. 33-45 was not added until the March 14, 2002, filing date. None of the prior applications to which the Chee publication claims priority contain any disclosure corresponding to Figs. 33-45.


Accordingly, applicants respectfully submit that the subject matter which is relied upon in the Chee publication in the alleged combination has an effective date as a prior art reference as of March 14, 2002, which is not prior to applicant's filing date of October 26, 2001. Thus, the alleged combination cannot render claims 1-18 unpatentable.

Reconsideration and allowance of claims 1-18 are respectfully requested.

Respectfully submitted,

Date: July 16, 2004

By:



Renée C. Barthel, Esq.  
Registration No. 48,356  
Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams St., Ste. 2850  
Chicago, Illinois 60606  
Telephone: (312) 236-8500

Attorneys for Applicants